

May 11, 2007

Dear City of Marietta HCV Program Tenants and Landlords:

Re: VIOLENCE AGAINST WOMEN ACT (VAWA)

Congress reauthorized the Violence Against Women Act (VAWA) in January 2006. The law is directed at reducing domestic abuse and creating new protections for victims of domestic violence, dating violence and stalking. The law requires that tenants of the Housing Choice Voucher Program be notified of their rights under VAWA.

The law prohibits the eviction of, and removal of assistance from, certain persons living in Section 8-assisted housing if the grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in the law as amended. The law provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and shall not be "good cause" for terminating the assistance, tenancy or occupancy rights of a victim of abuse. Additionally, tenancy assistance or occupancy rights will not be terminated as a result of criminal activity, if that criminal activity is directly related to abuse engaged in by a member of the household, a guest or another person under the tenant's control if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.

The law contains a provision that allows the owner/landlord to terminate the tenancy of and evict a tenant, and the City of Marietta Housing Choice Voucher Program to terminate assistance to a Section 8 program participant who engages in criminal acts of violence against family members or others. This action may be taken against the individual alone without evicting or terminating the tenancy of the victim of such violence and other household members. However, the victim may be subject to termination of tenancy and/or assistance if there is an actual and immediate threat of harm to others or for other lease violations not based on domestic abuse.

A family on the Housing Choice Voucher Program may receive a voucher and move in violation of the lease under the portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence and believes he or she would be harmed if he/she remained in the assisted dwelling unit.

Tenants (male or female) who report to the City of Marietta Housing Choice Voucher Program or to their owner/landlord that they are a victim of domestic abuse must certify within 14 business days they are a victim of abuse and the incidences of abuse are bona fide by completing HUD form 50066 (available upon request) or by providing other acceptable documentation. Without the certification, the assistance may be terminated. All information provided to the City of Marietta Housing Choice Voucher Program or the owner/landlord is confidential, and the information will not be disclosed except as the law permits.

If a tenant thinks he/she is a victim of actual or threatened domestic abuse or is facing lease violations for an actual or threatened domestic abuse incident, he/she needs to contact his/her Housing Assistance Officer for more information on his/her rights under VAWA.

Sincerely,

City of Marietta HCV Program

cc: Tenant file